

DELTA PROTECTION COMMISSION

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DRAFT

Minutes of the Meeting of the
Delta Protection Commission
6:30 p.m. on Thursday, January 25, 1996
Jean Harvie Community Center
14273 River Road, Walnut Grove

1. Call to Order/Roll Call.

The meeting was called to order at 7:30 p.m.

Chairman McCarty reported that no action was taken at the closed session held before the regular meeting.

Commissioners present were: Broddrick, Calone, Fargo, Herendeen, McCarty, Mello, Murphy, Nottoli, Potter, Salmon, Sekelsky, Simas, and Yates. Commissioners absent were: Curry, Ferreira, Freeman, McGowan, Thomson, and Torlakson.

Chairman McCarty welcomed new commissioner, Len Herendeen, the Mayor of Antioch and new Association of Bay Area Governments representative.

2. Public Comments.

Seth Cockrell, Western Waterways and Marina and Recreation Association, noted a new problem in the Delta, a weed called *Egeria densa*. Current eradication legislation only covers water hyacinth. He suggested having the legislative subcommittee review a change to current legislation to cover "aquatic weeds".

Chairman McCarty noted the Commission had received several letters on this topic.

Commissioner Nottoli asked for additional, background information on the plant and perhaps a briefing.

Commissioner Murphy wanted to know if this is in the purview of the Delta Protection Commission, and if not, to whom should these concerns be forwarded. Chairman McCarty agreed and directed staff to research that question. He added that a briefing would be helpful.

3. Minutes of December 12, 1995 Meeting.

On a motion by Vice Chair Fargo and a second by Commissioner Simas, the minutes of the December 15, 1996 meeting were adopted by voice vote; Commissioner Herendeen abstained.

4. Chairman's Report.

Chairman McCarty reported that the next meeting is Thursday, February 22, 1996. He noted there will be a Levee Subcommittee meeting before the regular meeting.

5. Report from Budget, Finance and Administration Subcommittee.

Commissioner Sekelsky, Chairman, reported that halfway through the fiscal year, the Commission has \$181,457 out of \$268,000 granted, indicating a probable surplus. He noted that the Attorney General's office had decided not to bill the Commission for the litigation work.

6. Attorney General's Report.

Rick Frank noted he had prepared and mailed a written analysis of Costa's bill regarding conservation easements. There is one million dollars designated for this program in the Governor's budget for the next fiscal year.

He said the State of New York has adopted new legislation regarding placement of solid waste management in agricultural areas, and restrictions and conditions associated with that use. He offered to pursue the legislation if the Commission desired.

7. Executive Director's Report.

Margit Aramburu reviewed materials in the mailing packet and updated the Commission on the status of consultant projects. She noted that legislation has been submitted to extend the Commission and said the Commission received a letter from the Clarksburg General Plan committee supporting the extension. She noted that the Commissioner's FPPC submittals are due April 4. She noted some projects in the current work program have changed: San Joaquin County Mosquito Abatement District is not carrying out a study of winter flooding and Ducks Unlimited will probably not be carrying out a second year of grants due to funding constraints.

She added there is a new wetlands home page on the CERES data base; the Yolo County Habitat Conservation Plan has been released; a list of CALFED scoping meetings has been released; the Central Valley Regional Water Quality Control Board is receiving five studies of toxics in the river which indicate that while there are problems with toxics in the watershed of the Delta, the waters in the Delta are generally of good quality.

Commissioner Potter asked if there was an update on AB 360. Ms Aramburu said she had no new information. He asked for a report at the Levees Subcommittee Meeting.

8. Pending Projects Memo.

There were no comments or questions.

9. Briefing on DeltaKeeper Program.

Bill Jennings, the DeltaKeeper, briefed the Commission on the new program, the fifth on the West Coast and the 14th nationwide. He said the DeltaKeeper is a citizens watchdog group to enforce and educate the public on environmental laws. He said the objects are to protect water quality, prevent pollution, respond to citizens complaints, educate the public, coordinate with agencies, and help create an informed citizenry. He said he already has a large crew of volunteers to help staff the toll free number (1-800-CLEANBAY), the office, the 28' cruiser, and the 12' inflatable. He noted the numerous relationships with legal, technical, and educational institutions.

Commissioner Potter suggested coordinating with Dr. Randy Brown and Dr. Perry Hergesell who together manage the Interagency Ecological Program for information on water quality and fisheries issues.

Commissioner Broddrick said the program would be in a position to help monitor permits issued to dischargers into the Delta waters.

Commissioner Murphy commended the creation of a new volunteer group and encouraged citizen action.

Chairman McCarty asked how many hours the group is on the water; Mr. Jennings responded three days a week now, but soon five to seven. Chairman McCarty asked if the patrols are routine or random and the scope of the patrols; Mr. Jennings said they will do both routine patrols and respond to calls.

Commissioner Mello asked if there was paid staff and how much of the budget goes to salaries; Mr. Jennings said he and his administrative assistant are paid and the rest are volunteers; he said the budget has not yet been finalized.

Chairman McCarty commented that the Delta Protection Commission has parallel goals and hopes they can work together.

Herbert Hickman, Blackfin Marine Service, said he and other licensed coast guard captains have been looking out for polluters and turning them in. He said they have been doing this work for a long time and will continue.

10. Briefing, Public Hearing, and Discussion of Abandoned Vessels in Delta Waterways.

Margit Aramburu reviewed the staff report and noted the letter from Chris Lauritzen, a comment from Sally Shanks on the need for in-water storage of vessels, and a correction that the registration fee is \$9, not \$15.

Chairman McCarty opened the public hearing.

Seth Cockrell, Marine and Recreation Association and Western Waterway, commended the Commission for reviewing the issue of abandoned vessels. He wanted the Commission to know of another problem, occupied vessels inappropriately moored, releasing sewage, and creating other problems. He said if legislation is considered to create new funds, this problem should also be considered. The legislation may limit length of mooring in certain areas, as the Department of Parks and Recreation limits mooring on its underwater properties.

Herbert Hickman, Blackfin Marine Service, said he is licensed to remove toxic materials. He commented on an associated problem, that insurance companies just pay off the boat owner and do not address the wrecked vessel. He supports efforts to force insurance companies to clean up insured, wrecked vessels. He commented that young people in work programs assisted in a clean-up at New Melones Dam, helping to demolish debris. The costs were lessened by using this labor source.

Steve Bohnak, San Joaquin County Sheriff's Department, noted there is a tremendous problem in San Joaquin County with vessels moored outside of marinas causing pollution; some of the tenants are wanted by the law. Some abandoned vessels are passed from person to person. The County is stuck paying for demolishing a vessel which was floating in the open waterways. He supports the Commission's consideration of this issue.

Bob Calvin, Sacramento County Sheriff's Department, noted the County has their share of abandoned vessels and vessels moored outside of marinas and dumping wastes. There is a lack of funding to do much more than giving the boatowners a ticket a day, until they move. He suggested a restrictions on mooring on levees maintained by Reclamation Districts. He noted if a vessel has valid registration, there is nothing the County sheriff's can do.

Commissioner Mello said he wished Commissioner Curry was here. He said he has had problems before with boaters tying up and telling him they do not have to move for 30 days because its navigable water. He said he wished he had more information about that.

Chairman McCarty asked when law enforcement observes abandoned vessels or boats moored in certain locations for extended periods do they keep a record of these vessels, the number and location. Sergeant Bohnak said law enforcement know where they are; some folks collect these vessels. They have problems with some individuals that know the law, what they can and cannot do. For example, if they are cited for no registration number or sticker, that is addressed within a few days. San Joaquin County does not have the funding to remove abandoned vessels. Some of the individuals move their vessels into another County and there is some coordination. He said San Joaquin County recently cleaned up seven or eight vehicles on Bacon Island Road with the assistance of the District Attorney's Office and Planning Department. He emphasized that the Department does have lists; that lack of funding is the problem.

Commissioner Nottoli commented on the vehicle removal program currently in place and suggested that could be a viable model for a statewide program for vessel removal. He thought legislation to support such a program would be a positive approach.

Chairman McCarty closed the public hearing.

Vice Chair Fargo supported Commissioner Nottoli's comments, that it would be a logical extension to address abandoned vessels. She suggested the Department of Motor Vehicles collect the funds as currently is done for the vehicle program. She commented that the vehicle program is working well addressing a real problem in our cities and counties. She supports the Commission pursuing this approach and suggested having the legislative committee review the matter.

Commissioner Simas suggested an additional briefing on the laws pertaining to these vessels. He suggested developing an idea or program the Commission could promote.

Ms Aramburu added that the vehicle removal program includes formation of a district which is made up of a county and at least half of the cities. The program is a package, the special district sets up rules and areas for parking; this may be a model for a vessel removal program. She suggested getting advice from counsel.

Chairman McCarty said it is an issue of statewide importance, and is happening everywhere. He said it is magnified in the Delta. He noted San Joaquin County is in one of the top five areas for vessel registration in the country. He said the Commission does not have the answer, but the Commission can initiate and take leadership on action which could benefit the entire state and the Delta. He said the Commission needs some additional information to proceed.

Commissioner Broddrick suggested looking into using low-cost labor, such as special youth groups or training programs, to assist in vessel disposal. This could be a regional clean-up program like American River Parkway clean-up. He said vessels cannot be recycled like cars, because many are made of materials such as fiberglass. He said its a great opportunity to get business owners, community leaders, and others to pitch in and do something pro-actively while waiting for a legislative solution. He said the Commission is in a position to help marshall that kind of volunteer effort and offered the limited resources of the Department of Fish and Game and volunteers. He suggested attacking the problem as a community based problem right now, abating some of the biggest problems now.

Chairman McCarty thanked all the participants in the discussion.

11. Commissioner Comments.

Commissioner Broddrick recognized Department of Fish and Game employees in the audience: Laurie Oldfather and Carl Jochums. He said the Commission may want to invite Mr. Jochums back to brief the Commission on the Oil Spill Clean-Up and Response Program.

Commissioner Mello noted that Tyler Island RD has come to closure on the FEMA payments for the 1986 flood. They received 99.5% of the funds, but said the district had incurred one million dollars in interest in that period.

Commissioner Potter asked if anyone knows the status Deltawide of old OES and FEMA claims. He would appreciate input before a meeting scheduled with OES on January 31, 1996.

Commissioner Herendeen said he had enjoyed his first meeting. He added that in his youth it was common to have a shipwreck dance which included bringing a wreck to the campus--one way to get rid of abandoned vessels.

12. Adjourn.

The meeting was adjourned at 8:30 p.m.